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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/934,796

08/22/2001

John R. Squilla

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9674

7590

10/20/2004

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EXAMINER

MISLEH, JUSTIN P

ART UNIT

PAPER NUMBER

2612

DATE MAILED: 10/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/934,796

Applicant(s)

SQUILLA ET AL.

Examiner

Justin P Misleh

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3 - 14, and 29 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 29 is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☒ Claim(s) 3 - 14 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 August 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: minor typographical errors.

On page 7 (line 35), the specification states, "wired link 12"; however, the "wired link" is "72". On page 8 (line 35), the specification states, "wired link 74a"; however, the "wired link" is "72".

Appropriate correction is required.

2. The disclosure is objected to because of the following informalities: outdated information.

On page 1 (lines 7 and 35), "application Serial No. 08/977,383" is now U.S. Patent No. 6,396,537 B1 and "Serial No. 08/707,265" is now U.S. Patent No. 5,768,635.

Appropriate correction is required.

Drawings

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 148 (figure 6).

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate

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prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the Examiner, the Applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Double Patenting

4. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

5. **Claim 1** is rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over **Claim 1 of U.S. Patent No. 6,396,537 B1**.

Although the conflicting claims are not identical, they are not patentably distinct from each other because application Claim 1 and patent Claim 1 differ with respect to the attraction site having a transceiver and the camera having a means for receiving.

In regards to the attraction site having a transceiver: Application Claim 1 requires “an attraction site that stores content data related to the site and communicates the content data to the camera”; albeit, application Claim 1 does not require, as stated in patent Claim 1, “attraction sites having ... a transceiver for receiving communications from the camera and for transferring the content data to the camera”.

However, **Official Notice** is taken that the concepts and advantages of providing a site having a transceiver for receiving communications from a camera and for transferring data to the camera are well known and expected in the art. At the time the invention was made, it would have been obvious to one with ordinary skill in the art to have provided a site having a transceiver for receiving communications from a camera and for transferring data to the camera as means to provide camera operating software upgrades.

In regards to the camera having a means for receiving: Patent Claim 1 states “attraction sites having ... a transceiver for receiving communications from the camera and for transferring the content data to the camera”; albeit, application Claim 1 requires a “camera comprising ... means for receiving at least a portion of the content data from the attraction site”.

While patent Claim 1 does not require the camera to comprise a “means for receiving”, the camera in patent Claim 1 would inherently have a “means for receiving the content data”. In

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other words, since it is required that the attraction site transfer the content data to the camera, although not explicitly stated, it must also be required that the camera has a means for receiving the content data.

Allowable Subject Matter

6. **Claim 1** is rejected under Double Patenting; but would be allowable if a terminal disclaimer, in compliance with 37 CFR 1.321(c), is timely filed and the conflicting patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

7. **Claims 3 – 14** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. **Claim 29** is allowed.

9. The following is a statement of reasons for the indication of allowable subject matter:

The closest prior art (Evans et al.) discloses, in the very least, an image recording system wherein cameras are located throughout an amusement park and each guest to the park is associated with a unique identifier contained within a readable tag, such as card, badge or pendant. Tag readers at attraction sites identify guests when they are at a particular location and provide identification and location information to a control system. A communications network is used to interconnect the cameras, tag readers, control system and image recording devices to present guests with a personal set of collected images.

However, the closest prior art does not teach or fairly suggest a camera that receives content data from an attraction site and relates an interest of the camera user to a portion of the

received content data, wherein the interests of the user are predetermined personality data stored in the camera, and wherein the personality data is transferred to the attraction site based upon the portion of the received content data.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. The following is a brief description of each of the cited prior art as labeled on attached from PTO-892.

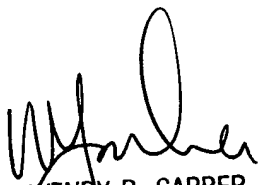
- **Prior Art B** discloses, in the very least, an image recording system wherein a trigger signal from a camera can be used to initiate transmission of the wireless signal a wireless communication system. Moreover, the wireless signal contains an Internet address for accessing further information about an item being photographed.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Justin P Misleh whose telephone number is 703.305.8090. The Examiner can normally be reached on Monday through Thursday from 7:30 AM to 5:30 PM and on alternating Fridays from 7:30 AM to 4:30 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Wendy R Garber can be reached on 703.305.4929. The fax phone number for the organization where this application or proceeding is assigned is 703.872.9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JPM
October 18, 2004


WENDY R. GARBER
SUPERVISORY PATENT EXAMINER
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